

IN THE DRAWINGS:

Please replace the original sheets of drawings containing Figure 10 with the corresponding replacement sheet containing the Figure of the same number. The drawings were objected to because of Figure 10, in which the same reference number 38 was used for both column of fields and indicator and in which the same reference number 42 was used for both context frames and right scroll arrow icon. The replacement sheet uses reference numbers 58 and 52 for the indicator and the right scroll arrow icon. The description is amended accordingly.

## **REMARKS**

Applicant respectfully requests the consideration of the following remarks and the reconsideration of the application.

The drawings were objected to because of Figure 10, in which the same reference number 38 was used for both column of fields and indicator and in which the same reference number 42 was used for both context frames and right scroll arrow icon. The replacement sheet uses reference numbers 58 and 52 for the indicator and the right scroll arrow icon. The description is amended accordingly.

Claims 26-81 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant respectfully disagrees.

For claims 26, 31, and 36, the Office Action stated that:

“Claims 26, 31, and 36 claim in the preamble "to control a graphical user interface" and in the body of the claim does not set forth controlling a graphical user interface but instead sets forth "adjusting a first parameter under control of a first user interface element"." (Office Action of February 25, 2005, Page 7).

Applicant respectfully submits that it is improper to attempt to literally match words from the preamble to words in the body regardless of the context and meaning involved. Further, claims 26, 31 and 36 are currently amended to remove the word “control” from the preamble. For example, claim 26 recites:

26. (Currently Amended) A method in a graphical user interface, the method comprising:

receiving a first input which indicates a movement of an input device  
in a first degree of freedom of the input device while a cursor  
of the graphical user interface is outside a first region; and  
adjusting a first parameter under control of a first user interface  
element of the graphical user interface according to the first  
input, the first user interface element being located within the  
first region.

Applicant respectfully submits there is no inconsistency in the claim.

Applicant respectfully submits that a person skilled in the art understands that in general a graphical user interface may include many aspects and many elements. Dealing with aspects and elements of the graphical user interface is in general dealing with the graphical user interface. It appears that the Office Action attempted to take “a graphical user interface” as an atomic entity, which is improper.

The Office Action asserted:

“When claims 26, 31, and 36 claim “adjusting a first parameter under control of a first user interface element” it is not clear what part of the graphical user interface is controlling the parameter.” (Office Action of February 25, 2005, Page 7)

Applicant respectfully submits that it is sufficiently clear to point out “under control of *a first user interface element*”. Further, claim 26 specifies “receiving a first input ... while a cursor of the graphical user interface is *outside a first region*” and “adjusting a first parameter under control of a first user interface element of the graphical user interface according to the first input, the first user interface element being located within the first region”. Thus, “what part of the graphical user interface is controlling the parameter” is sufficiently clear.

For example, in Figure 5, “The time scale is controlled and shown by scale slider 11” (Page 13, lines 21-22, the specification). From Figure 5, one can see that scale slider 11 is in one region and the timeline 14 is in another region. “If the cursor is positioned over timeline 14 and the mouse button is depressed and kept depressed, control knob 16 will be highlighted and will move correspondingly to the vertical movement of the mouse.” (Page 14, lines 5-8, the specification). It is clear that when “the cursor is positioned over timeline 14” the cursor is outside the region where the scale slider 11 is. When the control knob 16 moves correspondingly to the vertical movement of the mouse, the time scale is adjusted.

For claims 64, 70, and 76, the Office Action asserted that:

“Similarly when claims 64, 70, and 76 claim "adjusting a first parameter depicted by a first user interface element" and "adjusting a second parameter depicted by a second user interface element" the claims do not clearly claim what part of the graphical user interface is controlling the parameter” (Office Action of February 25, 2005, Pages 7-8).

Applicant respectfully disagrees. Claim 64, for example, clearly specifies:

64. (Currently Amended) A method in a graphical user interface, the method comprising:
- receiving a first input which indicates a first movement of an input device, the first input comprising:
    - a first component which indicates a component of the first movement according to a first degree of freedom of the input device, and
    - a second component which indicates a component of the first movement according to a second degree of freedom of the input device;

adjusting a first parameter depicted by a first user interface element of the graphical user interface according to the first component, the first user interface element being located in a first region in the graphical user interface; and  
adjusting a second parameter depicted by a second user interface element of the graphical user interface according to the second component, the second user interface element being located in a second region in the graphical user interface.

Applicant respectfully submits it is clear sufficiently enough in the claim 64 to specify “a first user interface element of the graphical user interface ... the first user interface element being located in a first region in the graphical user interface” and “a second user interface element of the graphical user interface ... the second user interface element being located in a second region in the graphical user interface”.

Claims 41, 48, 52, 56, 59, 60, 63, 64, 70 and 76 were rejected for the use of the word “depict”. Applicant respectfully submits that figures of the present application are part of the specification. The figures clearly show how various graphical user interface elements look like. From the figures, a person skilled in the art can likely see examples of user interface elements “depict” the parameters represented by them.

The Office Action asserted that

“The term depicted is abstract in that it covers more than which is displayed to the user on display 121” (Office Action of February 25, 2005, Page 8)

Applicant respectfully disagrees.

It is illogical to assert a term is “abstract” based on the reasoning that “it covers more than ...”. Thus, the “abstract” portion of the assertion has no proper support. Note the Office

Action subsequently used this assertion of “abstract” to reject the claim as abstract under 35 U.S.C. 101, which is clearly improper.

Further, it is not clear what the examiner has in mind for the part of “depict” that is “more than which is displayed to the user on display 121”. However, page 6, lines 3-5, of the specification shows:

“The present invention is illustrated by way of example, and not by way of limitation, in the figures of the accompanying drawings and in which like reference numerals refer to similar elements ...” (Page 6, lines 3-5, the specification)

Applicant respectfully submits that the examples of the present application illustrate what the word “depict” covers and that the applicant is entitled to make claims based on the disclosure of the examples.

Applicant respectfully submits that a person skilled in the art understands the terms such as “element”, “user interface element”, and “control element”. It is not necessary to literally limit the terms in the claims to what is in the original specification.

Further, meaning of words used in a claim is not construed in a “lexicographic vacuum, but in the context of the specification and drawings.” It appears that the Office Action was attempting to construe the meanings of words in lexicographic vacuum, which is improper.

Thus, applicant respectfully submits that the pending claims are not indefinite. The withdrawal of the rejection under 35 U.S.C. 112 is respectfully requested.

Claims 26-81 were rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. Applicant respectfully disagrees.

Applicant respectfully submits that the Office Action improperly construed the meaning of the claims. Reconsideration in view of what is actually recited in the claims is respectfully requested.

For example, the Office Action asserted:

“Claims 26-40 and 64-81 claim adjusting a parameter. This is an abstract non-tangible process.” (Office Action of February 25, 2005, Page 10)

However, claims 26 and 36, for example, recite:

26. (Currently Amended) A method in a graphical user interface, the method comprising:  
receiving a first input which indicates a movement of an input device in a first degree of freedom of the input device while a cursor of the graphical user interface is outside a first region; and  
adjusting a first parameter under control of a first user interface element of the graphical user interface according to the first input, the first user interface element being located within the first region.
36. (Currently Amended) A data processing system to implement a graphical user interface, the data processing system comprising:  
means for receiving a first input which indicates a movement of an input device in a first degree of freedom of the input device while a cursor of the graphical user interface is outside a first region; and  
means for adjusting a first parameter under control of a first user interface element of the graphical user interface according to the first input, the first user interface element being located within the first region.

Claim 26, for example, claims a method with various limitations set forth in claim 26. Claim 36 claims a data processing system with various limitations set forth in claim 36. It is clearly improper to take claim 36 as claiming “adjusting a parameter”.

Applicant respectfully submits a graphical user interface is useful, concrete and tangible. A process in a graphical user interface is not simply manipulating abstract ideas. Claim 26, for example, includes a useful, concrete and tangible way to interact with user input. Claim 36, for example, includes a useful, concrete and tangible machine. Thus, the withdrawal of the rejection under 35 U.S.C. 101 is respectfully requested.

The Office Action rejected claims 41-48, 52, 53, 55, 56, 60, 61, 63, 64, 68-70, 74-76, 80 and 81 as being abstract because of the use of an alleged abstract term “depict”.

Applicant respectfully submits that it is illogical to assert that the claims as a whole is abstract because of an abstract term. Further, as discussed above, the term “depict” is not abstract, since what is described in the application is not abstract.

The Office Action admitted that the application is directed to a useful, concrete, and tangible result, because of which the Applicant respectfully submits that the subject matters of the pending claims are useful, concrete, and tangible. Meaning of words used in a claim is not construed in a “lexicographic vacuum, but in the context of the specification and drawings.” Thus, the withdrawal of the rejection under 35 U.S.C. 101 is respectfully requested.

The Office Action considered claims 49-51, 54, 57-59, 62, 65-67, 71-73 and 77-79 as being abstract because “This does not claim the cursor is displayed to the user”. Such a position appears to be illogical.

Claims 26-40 were provisionally rejected under 35 U.S.C. 101 as claim the same invention as that of claims 26-40 of copending Application No. 10/428,059. Applicant will amend the copending Application No. 10/428,059 to remove duplication.



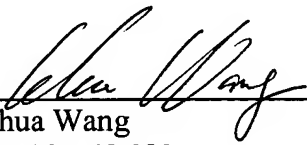
Claims 41-81 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 41-144 of copending Application No. 10/428,059. Applicant respectfully disagrees. The Office Action failed to specify why claims 41-81 are obvious in view of claims 41-144 of the copending application. Applicant is willing however, without admitting that the obviousness type double patent rejection is proper, to submit a terminal disclaimer upon an indication of allowable claims.

Please charge any shortages or credit any overages to Deposit Account No. 02-2666. Furthermore, if an extension is required, Applicant hereby requests such extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: 5/25, 2005

  
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